

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TEVA PHARMACEUTICALS USA, INC.
TEVA PHARMACEUTICALS INDUSTRIES,
LTD., and NOVAPHARM, LTD.,

Counterclaim Plaintiffs,

V.

ABBOTT LABORATORIES,
FOURNIER INDUSTRIE ET SANTÉ, and
LABORATORIES FOURNIER S.A.,

Counterclaim Defendants.

IMPAX LABORATORIES, INC.,

Counterclaim Plaintiff,

V.

ABBOTT LABORATORIES,
FOURNIER INDUSTRIE ET SANTÉ, and
LABORATOIRES FOURNIER, S.A.,

Counterclaim Defendants.

IN RE TRICOR DIRECT PURCHASER
ANTITRUST LITIGATION

THIS DOCUMENT RELATED TO:
ALL ACTIONS

IN RE TRICOR INDIRECT PURCHASER
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

C.A. NO. 02-1512 (***)

CONSOLIDATED

C.A. NO. 03-120 (***)

CONSOLIDATED

C.A. NO. 05-340 (***)

CONSOLIDATED

C.A. NO. 05-360 (***)

CONSOLIDATED

STIPULATION

IT IS HEREBY STIPULATED by the Plaintiffs and the Defendants, subject to the Court's approval as follows:

1. Any document that has been produced from the files of a party (as indicated by the document's bearing a party's production prefix) in either the patent or antitrust phase of these actions shall be deemed prima facie authentic, subject to the right of that party or the party against whom such a document is offered to adduce evidence or make argument to the contrary. Any document that appears to have been authored by a party also shall be deemed a "business record" that meets the requirements of Rule 803(6) of the Federal Rules of Evidence, subject to the right of that party or the party against whom such a document is offered to adduce evidence or make argument to the contrary.

2. Except as set forth below, any objection to a document's authenticity, or the business-record status of a document apparently authorized by a party, must be made not later than the Final Pretrial Conference. A denial of a document's authenticity or business record status by counsel or by one or more witnesses of a party against whom the document is offered, without further corroboration or circumstantial indicators of non-authenticity or business-record status, shall not be a valid basis for objecting to authenticity or business-record status. In the event any party raises an objection to authenticity or business-record status in its reply papers on a motion for summary judgment, the non-moving party shall be entitled to submit a sur-reply addressing solely the objection to authenticity or business-record status.

3. Abbott and Fournier shall each review documents collectively identified by Plaintiffs, not to exceed a total of one hundred documents, and indicate in good faith with respect to each document identified (a) whether it admits that the document is authentic and subject to the business records exception to the hearsay rules, and (b) if denied, the reason for the denial. Abbott's and Fournier's responses shall be served within thirty days of service of Plaintiffs' list of the documents to be reviewed.

4. Compliance with Paragraph 3 shall relieve Defendants from further responding to all outstanding requests for admissions and related interrogatories directed to authentication and admissibility, including:

- (a) Impax's First Antitrust Set of Requests for Admission to Counterclaim Defendants;
- (b) Impax's Second Set of Antitrust Interrogatories;
- (c) Teva's First Set of Requests for Admission (Nos. 1-25);
- (d) Teva's Second Set of Antitrust Interrogatories;
- (e) Direct Purchaser Plaintiffs' First Set of Requests for Admission and Related Interrogatories; and
- (f) Indirect Purchaser Plaintiffs' First Requests for Admissions to Defendants.

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SO ORDERED this _____ day of June, 2007.

UNITED STATES MAGISTRATE JUDGE